

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

AUG 11 2020

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

EARNEST CASSELL WOODS II,

No. 18-17360

Plaintiff-Appellant,

D.C. No. 4:11-cv-04730-JSW

v.

MEMORANDUM*

ROBERT L. AYERS, Jr., Warden; et al.,

Defendants-Appellees,

and

J. CURZON, Associate Warden; et al.,

Defendants.

Appeal from the United States District Court
for the Northern District of California
Jeffrey S. White, District Judge, Presiding

Submitted August 5, 2020**

Before: SCHROEDER, HAWKINS, and LEE, Circuit Judges.

California state prisoner Earnest Cassell Woods II appeals pro se from the

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

district court's summary judgment in his 42 U.S.C. § 1983 action alleging deliberate indifference to his serious medical needs. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Toguchi v. Chung*, 391 F.3d 1051, 1056 (9th Cir. 2004). We affirm.

The district court properly granted summary judgment because Woods failed to raise a genuine dispute of material fact as to whether any defendant was deliberately indifferent to Woods's gastrointestinal issues. *See id.* at 1057-60 (a prison official is deliberately indifferent only if he or she knows of and disregards an excessive risk to inmate health); *Hallett v. Morgan*, 296 F.3d 732, 746 (9th Cir. 2002) (a delay in medical treatment does not constitute deliberate indifference unless the delay led to significant injury).

We reject as without merit Woods's contention of judicial bias.

We do not consider matters not specifically and distinctly raised and argued in the opening brief. *See Padgett v. Wright*, 587 F.3d 983, 985 n.2 (9th Cir. 2009).

Woods's motion for judicial notice (Docket Entry No. 18) is denied as unnecessary.

AFFIRMED.